

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed August 24, 2004 ("*Final Office Action*"). Claims 1-25, 46-70, and 88-92 were pending in the Application and stand rejected. Applicants amend independent Claims 1, 46, and 88 to advance prosecution. Applicants respectfully request reconsideration and favorable action in this case.

**Section 103 Rejections**

The Examiner rejects all pending claims under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references. To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03. Furthermore, there must be some teaching, suggestion, or motivation to combine or modify the teachings of the prior art to produce the claimed invention either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art at the time of the invention. *Id.* § 2143.01. In addition, a proposed modification or combination of references must not change the principle of operation of the reference or references being modified. *Id.*

**A. The Cited References Fail to Teach or Suggest Each and Every Element of Claims 1-25, 46-70, and 88-92.**

Applicants respectfully submit that the cited references, alone or in combination, fail to teach or suggest each and every element of Claims 1-25, 46-70, and 88-92.

**1. Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, and 70.**

The Examiner rejects Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,301,359, which issued to Van den Heuvel et al. ("*Van den Heuvel*"), in view of U.S. Patent No. 5,594,947, which issued to Grube et al. ("*Grube*"), and U.S. Patent No. 6,101,379, which issued to Rahman et al. ("*Rahman*").

Applicants' independent Claim 1, as amended, recites:

A method for brokering resources of a wireless communications network, comprising:

receiving at a centralized brokerage manager a request for a wireless service at a geographic region, wherein the request is communicated by a remote communications device;  
selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on the request;  
generating a first response to the request based on the availability of the wireless service, the first response including one or more terms for the wireless service including at least one option between the at least two service providers;  
communicating the first response to the remote communications device; and  
receiving a second response to the first response, the second response selecting at least one of the at least two service providers to provide the wireless service.

Applicants respectfully submit that *Van den Heuvel* in view of *Grube* and *Rahman* fails to teach or suggest each and every element of this claim.

Among other elements, *Van den Heuvel* in view of *Grube* and *Rahman* fails to teach or suggest:

receiving at a centralized brokerage manager a request for a wireless service at a geographic region, wherein the request is communicated by a remote communications device;  
[and]  
selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on the request.

The *Final Office Action* admits that the combination of *Van den Heuvel* and *Grube* fails to disclose “selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on the request.” *Final Office Action*, page 3.

As teaching this element, the *Final Office Action* cites to two sections of *Rahman*. *Final Office Action*, p. 3. However, both portions highlight the deficiencies of *Rahman*. For example, the Examiner cites the following discussion:

The method includes transmitting a request for tariff information together with subscriber identification information over a control channel from a mobile terminal to a candidate service provider. An acknowledgment message may be sent by the service provider to the mobile terminal to indicate that the tariff request was received. The candidate service provider then

determines an applicable tariff charge based on categorical factors such as roaming status, type of service requested etc. The ensuing tariff charge is transmitted back to the mobile terminal via the control channel. Similar tariff inquiries are made in sequence to other potential candidate service providers that are accessible by the mobile terminal in that geographical area. Once tariff information from all candidate service providers has been received, the mobile terminal may initiate registration with the lowest cost service provider, in accordance with the prevailing operating standard.

*Rahman*, Col. 2, lines 27-44 (emphasis added). The *Final Office Action* also refers to a similar disclosure in the abstract of *Rahman*. *Final Office Action*, p. 12. In these sections, *Rahman* discusses multiple individual candidate service providers, where each provider determines its own tariff charge in response to a unique inquiry sent to each provider by a mobile terminal. *Rahman*, Col. 2, lines 27-44; Figure 2. Applicants respectfully submit that each provider determining its own tariff charge in response to a unique inquiry sent to each provider by a mobile terminal does not teach or suggest “selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on the request.”

Furthermore, *Rahman*, as well as *Van den Heuvel* and *Grube*, fail to teach or suggest “selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on the request,” where the request is “receiv[ed] at a centralized brokerage manager.” As shown above, *Rahman* discusses a mobile terminal sending unique inquiries to each of multiple individual candidate service providers. *Rahman*, Col. 2, lines 33-36; Figure 2. However, a mobile terminal sending unique inquiries to each of multiple individual candidate service providers fails to teach or suggest “selectively determining an availability of the wireless service for at least two service providers available at the geographic region based on the request,” where the request is “receiv[ed] at a centralized brokerage manager.”

These reasons apply similarly with respect to Applicants’ independent Claim 46. Claims 2-15, 19, 20, 24, and 25 depend directly or indirectly from Claim 1; and Claims 48-61, 65, 66, 69, and 70 depend directly or indirectly from Claim 46. Therefore, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, and 70.

**2. Claims 88-90.**

The Examiner rejects Claims 88-90 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel* in view of U.S. Patent No. 5,581,802, which issued to Erickson et al. ("*Erickson*"), and *Rahman*.

Applicants' independent Claim 88, as amended, recites:

An interface for a mobile communication device operable to use wireless services in connection with a wireless communications network, comprising:

computer implementable instructions encoded in at least one computer processable medium; and

the instructions operable upon processing to provide a user interface configured to receive a plurality of service criteria for generating a request for wireless services at a geographic region, the service criteria comprising a geographic region, a price, a type of service, a bandwidth, and a time for the wireless service, wherein the instructions are further operable upon processing to cause the request to be communicated to a centralized brokerage manager, wherein the user interface is further operable to display a response to the request comprising available wireless services and terms for the available wireless services, wherein the available wireless services are determined at the centralized brokerage device based on the service criteria and the terms include at least one option between at least two service providers of the requested wireless services, and wherein the user interface is further operable to receive a selection of at least one of the at least two service providers to provide the wireless service.

Applicants respectfully submit that *Van den Heuvel* in view of *Erickson* and *Rahman* fails to teach or suggest each and every element of this claim.

Among other elements, *Van den Heuvel* in view of *Erickson* and *Rahman* fails to teach or suggest an interface for a mobile communications device that comprises:

computer implementable instructions . . . operable upon processing to provide a user interface configured to receive a plurality of service criteria for generating a request for wireless services at a geographic region [and] to cause the request to be communicated to a centralized brokerage manager . . . wherein the available wireless services are determined at the centralized brokerage device based on the service criteria.

The *Final Office Action* cites *Van den Heuvel* as disclosing "a user interface configured to receive a plurality of service criteria for generating a request for wireless services at a

geographic region.” *Final Office Action*, page 8. However, the *Final Office Action* fails to show, and *Van den Heuvel* as well as *Erickson* and *Rahman* fail to teach or suggest, an interface for a mobile communications device that comprises computer implementable instructions that are operable upon processing “to cause the request to be communicated to a centralized brokerage manager.”

Furthermore, *Van den Heuvel* in view of *Erickson* and *Rahman* fails to teach or suggest a user interface operable to display:

a response to the request comprising . . . terms for the available wireless services, wherein . . . the terms include at least one option between at least two service providers of the requested wireless services.

The *Final Office Action* admits that the combination of *Van den Heuvel* and *Erickson* fails to disclose that “the terms include at least one option between at least two service providers” by stating:

The combination of *Van den Heuvel* and *Erickson* does not teach at least one option between the at least two service providers.

*Final Office Action*, page 9.<sup>1</sup>

As teaching “at least one option between at least two service providers” the *Final Office Action* cites to the same section of *Rahman* relied upon with respect to Claim 1. *Final Office Action*, p. 9. However, again the cited section highlights the deficiencies of *Rahman*. The Examiner cites the following discussion:

The method includes transmitting a request for tariff information together with subscriber identification information over a control channel from a mobile terminal to a candidate service provider. An acknowledgment message may be sent by the service provider to the mobile terminal to indicate that the tariff request was received. The candidate service provider then determines an applicable tariff charge based on categorical factors such as roaming status, type of service requested etc.

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<sup>1</sup> Applicants note that the same unequivocal admission existed in the previous Office Action and was pointed out in the last Response filed by Applicants. Nevertheless, the *Final Office Action* fails to address an argument similar to the one presented here that was presented in the last Response filed by Applicants. In fact, the *Final Office Action* states that “[t]here was no argument against the *Erickson* [sic] and therefore, the examiner stands by his rejection.” *Final Office Action*, page 13. If the Examiner intends to rely on *Erickson* for teaching “at least one option between the at least two service providers,” Applicants respectfully request the Examiner withdraw the quoted statement and distinctly point out by column and line number the portions of *Erickson* relied upon.

The ensuing tariff charge is transmitted back to the mobile terminal via the control channel. Similar tariff inquiries are made in sequence to other potential candidate service providers that are accessible by the mobile terminal in that geographical area. Once tariff information from all candidate service providers has been received, the mobile terminal may initiate registration with the lowest cost service provider, in accordance with the prevailing operating standard.

*Rahman*, Col. 2, lines 27-44 (emphasis added). Thus, *Rahman* discusses multiple individual candidate service providers, where each provider determines its own tariff charge in response to a unique inquiry sent to each provider by a mobile terminal. *Rahman*, Col. 2, lines 27-44; Figure 2. However, Applicants respectfully submit that each provider determining its own tariff charge in response to a unique inquiry sent to each provider by a mobile terminal does not teach or suggest:

a response to the request comprising . . . terms for the available wireless services, wherein . . . the terms include at least one option between at least two service providers of the requested wireless services.

Claims 89 and 90 depend from Claim 88. Therefore, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 88-90.

**3. Claims 16, 17, 62, and 63.**

The Examiner rejects Claims 16, 17, 62, and 63 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel*, *Rahman*, and *Grube* in view of U.S. Patent No. 6,064,972, which issued to Jankowitz et al. (“*Jankowitz*”). Claims 16, 17, 62, and 63 depend from independent Claims 1 and 46 shown above to be allowable over *Van den Heuvel*, *Rahman*, and *Grube*. The introduction of *Jankowitz* fails to provide the elements of Applicants’ independent Claims 1 and 46 not shown by *Van den Heuvel*, *Rahman*, and *Grube*. Thus, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 16, 17, 62, and 63.

**4. Claims 18, 21, 47, 64, 67, and 91.**

The Examiner rejects Claims 18, 21, 47, 64, 67, and 91 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel*, *Grube*, *Erickson*, *Rahman*, and *Jankowitz* in view



of U.S. Patent No. 5,961,569, which issued to Craport et al. (“*Craport*”). Claims 18, 21, 47, 64, and 67 depend from independent Claims 1 and 46 shown above to be allowable over *Van den Heuvel*, *Rahman*, and *Grube*. The introduction of *Erickson*, *Jankowitz*, and *Craport* fails to provide the elements of Applicants’ independent Claims 1 and 46 not shown by *Van den Heuvel*, *Rahman*, and *Grube*. Furthermore, Claim 91 depends from independent Claim 88 shown above to be allowable over *Van den Heuvel*, *Erickson*, and *Rahman*. The introduction of *Grube*, *Jankowitz*, and *Craport* fails to provide the elements of Applicants’ independent Claim 88 not shown by *Van den Heuvel*, *Erickson*, and *Rahman*. Thus, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 18, 21, 47, 64, 67, and 91.

**5. Claims 22, 23, 68, and 92.**

The Examiner rejects Claims 22, 23, 68, and 92 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel*, *Grube*, *Rahman*, and *Erickson* in view of U.S. Patent No. 6,424,646, which issued to Gerszerg et al. (“*Gerszberg*”). Claims 22, 23, and 68 depend from independent Claims 1 and 46 shown above to be allowable over *Van den Heuvel*, *Rahman*, and *Grube*. The introduction of *Erickson* and *Gerszberg* fails to provide the elements of Applicants’ independent Claims 1 and 46 not shown by *Van den Heuvel*, *Rahman*, and *Grube*. Furthermore, Claim 92 depends from independent Claim 88 shown above to be allowable over *Van den Heuvel*, *Erickson*, and *Rahman*. The introduction of *Grube* and *Gerszberg* fails to provide the elements of Applicants’ independent Claim 88 not shown by *Van den Heuvel*, *Erickson*, and *Rahman*. Thus, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 22, 23, 68, and 92.

**B. There is No Teaching, Suggestion, or Motivation to Combine or Modify the Teachings of the References.**

Furthermore, Applicants respectfully submit that Claims 1-25, 46-70, and 88-92 are patentable over the cited references because there is no teaching, suggestion, or motivation to combine or modify the teachings of the references either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Moreover, the *Final Office Action* fails to point to any evidence sufficient to show a *prima facie* case of obviousness.

The M.P.E.P. sets forth a strict legal standard for combining or modifying references. According to the M.P.E.P., “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art” at the time of the invention. M.P.E.P. § 2143.01. “The mere fact that references can be combined or modified does not render the resultant combination [or modification] obvious unless the prior art also suggests the desirability of the combination” or modification. *Id.* (emphasis in original).

Governing Federal Circuit case law makes this strict legal standard even clearer. According to the Federal Circuit, “a showing of a suggestion, teaching, or motivation . . . is an ‘essential component of an obviousness holding.’” *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000) (quoting *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998)). Furthermore, while “evidence of a suggestion, teaching, or motivation . . . may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, the nature of the problem to be solved, . . . [t]he range of sources available . . . does not diminish the requirement for actual evidence.” *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Thus, it is a factual question that cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record. *See In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002). Indeed, the factual inquiry whether to combine or modify references must be thorough and searching. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001).

1. **Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, and 70.**

The Examiner rejects Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel* in view of *Grube* and *Rahman*.

In the present case, the *Final Office Action* has not cited any evidence of a teaching, suggestion, or motivation to combine or modify the teachings of *Van den Heuvel*, *Grube*, and *Rahman*. Instead, the *Final Office Action* has merely stated that the teachings of one



reference would improve the teachings of another reference. For example, with regard to independent Claim 1 the *Final Office Action* first states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Grube to said method of Van den Heuvel in order to better alternate wireless services based on geographic region.

*Final Office Action*, pages 2-3. Then, the *Final Office Action* states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Rahman to said method of Van den Heuvel in order to better ensure that the mobile subscriber receives the lowest cost wireless service.

*Final Office Action*, page 3. The exact same language is used in the *Final Office Action* with regard to independent Claim 46 on pages 4 and 5.

Applicants respectfully submit that these statements do not provide the required evidence of a teaching, suggestion, or motivation to combine or modify the references. These statements represent the subjective belief of the Examiner, do not point to any known authority, and therefore are not based on objective evidence of record. Thus, the *Final Office Action* has not provided any evidence of a teaching, suggestion, or motivation to combine or modify the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

For these reasons the *Final Office Action* fails to present a *prima facie* case of obviousness. Applicants therefore respectfully submit that Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, and 70 are allowable over the cited references.

## **2. Claims 88-90.**

The Examiner rejects Claims 88-90 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel* in view of *Erickson* and *Rahman*.

In the present case, the *Final Office Action* has not cited any evidence of a teaching, suggestion, or motivation to combine or modify the teachings of *Van den Heuvel*, *Erickson*, and *Rahman*. Instead, the *Final Office Action* has merely stated that the teachings of one reference would improve the teachings of another reference. For example, with regard to independent Claim 88 the *Final Office Action* first states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Erickson to said method of Van den Heuvel in order to reduce multiple requests being made before access to a wireless service is gained.

*Final Office Action*, page 8. Then, the *Final Office Action* states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Rahman to said method of Van den Heuvel in order to better ensure that the mobile subscriber receives the lowest cost wireless service.

*Final Office Action*, page 9.

Applicants respectfully submit that these statements do not provide the required evidence of a teaching, suggestion, or motivation to combine or modify the references. These statements represent the subjective belief of the Examiner, do not point to any known authority, and therefore are not based on objective evidence of record. Thus, the *Final Office Action* has not provided any evidence of a teaching, suggestion, or motivation to combine or modify the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

For these reasons the *Final Office Action* fails to present a *prima facie* case of obviousness. Applicants therefore respectfully submit that Claims 88-90 are allowable over the cited references.

**3. Claims 16, 17, 62, and 63.**

The Examiner rejects Claims 16, 17, 62, and 63 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel*, *Rahman*, and *Grube* in view of *Jankowitz*.

In the present case, the *Final Office Action* has not cited any evidence of a teaching, suggestion, or motivation to combine or modify the teachings of *Van den Heuvel*, *Rahman*, *Grube*, and *Jankowitz*. Instead, the *Final Office Action* has merely stated that the teachings of one reference would improve the teachings of another reference. For example, the *Final Office Action* states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Jankowitz to said method of Van den Heuvel in

order to expand the number of resources available to a user to provide the best service.

*Final Office Action*, page 10.

Applicants respectfully submit that this statement does not provide the required evidence of a teaching, suggestion, or motivation to combine or modify the references. This statement represents the subjective belief of the Examiner, does not point to any known authority, and therefore is not based on objective evidence of record. Thus, the *Final Office Action* has not provided any evidence of a teaching, suggestion, or motivation to combine or modify the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

For these reasons the *Final Office Action* fails to present a *prima facie* case of obviousness. Applicants therefore respectfully submit that Claims 16, 17, 62, and 63 are allowable over the cited references.

**4. Claims 18, 21, 47, 64, 67, and 91.**

The Examiner rejects Claims 18, 21, 47, 64, 67, and 91 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel*, *Grube*, *Erickson*, *Rahman*, and *Jankowitz* in view of *Craport*.

In the present case, the *Final Office Action* has not cited any evidence of a teaching, suggestion, or motivation to combine or modify the teachings of *Van den Heuvel*, *Grube*, *Erickson*, *Rahman*, *Jankowitz*, and *Craport*. Instead, the *Final Office Action* has merely stated that the teachings of one reference would improve the teachings of another reference. For example, the *Final Office Action* first states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of *Craport* to said method of *Van den Heuvel* in order to make it easier for the user to obtain the best available wireless service.

*Final Office Action*, pages 10-11. Then, the *Final Office Action* states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of *Rahman* to said method of *Van den Heuvel* in order to make it easier for the user to obtain and later select the best available wireless service.

*Final Office Action*, page 11.

Applicants respectfully submit that these statements do not provide the required evidence of a teaching, suggestion, or motivation to combine or modify the references. These statements represent the subjective belief of the Examiner, do not point to any known authority, and therefore are not based on objective evidence of record. Thus, the *Final Office Action* has not provided any evidence of a teaching, suggestion, or motivation to combine or modify the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

For these reasons the *Final Office Action* fails to present a *prima facie* case of obviousness. Applicants therefore respectfully submit that Claims 18, 21, 47, 64, 67, and 91 are allowable over the cited references.

**5. Claims 22, 23, 68, and 92.**

The Examiner rejects Claims 22, 23, 68, and 92 under 35 U.S.C. § 103(a) as being unpatentable over *Van den Heuvel, Grube, Rahman, and Erickson* in view of *Gerszberg*.

In the present case, the *Final Office Action* has not cited any evidence of a teaching, suggestion, or motivation to combine or modify the teachings of *Van den Heuvel, Grube, Rahman, Erickson, and Gerszberg*. Instead, the *Final Office Action* has merely stated that the teachings of one reference would improve the teachings of another reference. For example, the *Final Office Action* states:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Gerszerg to said method of Van den Heuvel in order to make it easier for the user to obtain and select the best available wireless service.

*Final Office Action*, page 11.

Applicants respectfully submit that this statement does not provide the required evidence of a teaching, suggestion, or motivation to combine or modify the references. This statement represents the subjective belief of the Examiner, does not point to any known authority, and therefore is not based on objective evidence of record. Thus, the *Final Office Action* has not provided any evidence of a teaching, suggestion, or motivation to combine or modify the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

For these reasons the *Final Office Action* fails to present a *prima facie* case of obviousness. Applicants therefore respectfully submit that Claims 22, 23, 68, and 92 are allowable over the cited references.

C. **The Proposed Modification or Combination of References Would Impermissibly Change the Principle of Operation of the References.**

In addition, Applicants respectfully submit that Claims 1-25, 46-70, and 88-92 are patentable over the cited references because the proposed combination of references would impermissibly change the principle of operation of the references. To render the claims *prima facie* obvious, a proposed modification or combination of references must not change the principle of operation of the reference or references being modified. M.P.E.P. §2143.01.

Each rejection relies at least in part on a proposed modification or combination of *Van den Heuvel* and *Rahman*. However, the proposed modification of *Van den Heuvel* based on *Rahman* would improperly change *Van den Heuvel*'s principle of operation. The operation of *Van den Heuvel* requires a bulletin board resource to periodically transmit a single menu message including information regarding available communications systems. *Van den Heuvel*, Col. 3, lines 53-57. *Van den Heuvel* makes clear that the single menu message is transmitted from "time-to-time" and not in response to any inquiry. *Id.* Furthermore, the menu message is sent by a centralized bulletin board resource and not each communication system. *Id.* The mode of operation disclosed in *Van den Heuvel* insulates individual communications systems and provides for efficient communications by avoiding redundancies. Modifying *Van den Heuvel* so that multiple individual candidate service providers each transmits its own tariff charge in response to individual inquiries, as taught by *Rahman*, would not only change the principle of operation disclosed by *Van den Heuvel*, but the benefits of utilizing a centralized bulletin board resource would also be lost. Thus, Applicants respectfully submit that the proposed modification is improper.

For these reasons the *Final Office Action* fails to present a *prima facie* case of obviousness. Applicants therefore respectfully submit that Claims 1-25, 46-70, and 88-92 are allowable over the cited references.

**Conclusions**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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